

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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SEVENTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, February 8, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Dan Bader, followed by the Pledge of Allegiance led by House pages Dara Ness and Kalder Ness.

Roll Call: All members present except Reps. Kaiser, Killer, May, and Russell who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the sixteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Wink to the following named pages:

2 Miranda Anderson, Andee Arnoldy, Matdalynn Buffington, Hannah Carlson, Evangeline  
3 Gabel, Clayton Keck, Julia Loudenburg, Dara Ness, Kalder Ness, Brigita Rasmussen, Mindy  
4 Ravnaas, Shelby Riggs, Lauren Rink, Cayley Schmitt, Megan Thornhill.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 HB 1202 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on State Affairs respectfully reports that it has had under consideration  
12 HB 1208 and returns the same with the recommendation that said bill do pass and be placed on  
13 the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on State Affairs respectfully reports that it has had under consideration  
16 HB 1157 and returns the same with the recommendation that said bill be amended as follows:

17 1157oa

18 On page 3, line 3, of the printed bill, delete "and".

19 On page 3, line 4, delete "Mifeprostone" and insert "Mifepristone".

20 On page 3, line 5, after ";" insert "and".

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on State Affairs respectfully reports that it has had under consideration  
24 HB 1207 and returns the same with the recommendation that said bill be amended as follows:

1 1207ra

2 On page 4, line 1, of the printed bill, after "." insert "The Governor may direct the  
3 commissioner of school and public lands to sell any real estate and related personal property  
4 described in subdivisions (10) to (14), inclusive, of section 1 of this Act, to the Yankton County  
5 Historical Society, Inc.".

6 And that as so amended said bill do pass and be placed on the consent calendar.

7 Also MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 HB 1158 which was tabled.

10 Respectfully submitted,  
11 Brian G. Gosch, Chair

12 Also MR. SPEAKER:

13 The Committee on Commerce and Energy respectfully reports that it has had under  
14 consideration HB 1187 and returns the same with the recommendation that said bill do pass and  
15 be placed on the consent calendar.

16 Also MR. SPEAKER:

17 The Committee on Commerce and Energy respectfully reports that it has had under  
18 consideration HB 1142 which was deferred to the 41<sup>st</sup> Legislative Day.

19 Respectfully submitted,  
20 Tim Rounds, Chair

21 Also MR. SPEAKER:

22 The Joint Committee on Appropriations respectfully reports that it has had under  
23 consideration HB 1080 and returns the same with the recommendation that said bill do pass.

24 Respectfully submitted,  
25 Justin R. Cronin, Co-Chair

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration  
3 HB 1135 and returns the same with the recommendation that said bill do pass.

4 Also MR. SPEAKER:

5 The Committee on Judiciary respectfully reports that it has had under consideration  
6 HB 1193 which was tabled.

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration  
9 HB 1166 and 1192 which were deferred to the 41<sup>st</sup> Legislative Day.

10 Respectfully submitted,  
11 G. Mark Mickelson, Chair

12 Also MR. SPEAKER:

13 The Committee on Education respectfully reports that it has had under consideration  
14 HB 1136 and returns the same with the recommendation that said bill be amended as follows:

15 1136oa

16 On the printed bill, delete everything after the enacting clause and insert:

17 " Section 1. That § 13-48A-7 be amended to read:

18 13-48A-7. The Board of Regents and the Board of Education shall each provide to the  
19 ~~Council on Higher Education Policy Goals, Performance, and Accountability~~ Legislative  
20 Planning Committee an annual accountability report as determined by the committee. ~~The~~  
21 ~~initial accountability report, to be provided to the council in 2013, shall contain, for each of the~~  
22 ~~postsecondary education institutions under the respective board's control, information on the~~  
23 ~~following:~~

24 ~~—(1)—Improvements in on-time degree completions;~~

25 ~~—(2)—Affordability for students;~~

26 ~~—(3)—The placement of graduates in jobs or further study in South Dakota; and~~

27 ~~—(4)—Improvements in the percentages of graduates who are successful in passing~~  
28 ~~licensure, certification, or exit exams administered by third parties.~~

1     ~~— The council shall determine the content of subsequent accountability reports.~~

2     Section 2. That § 13-48A-1 be repealed.

3     ~~— 13-48A-1. Terms used in this chapter mean:~~

4     ~~— (1) "Average state appropriation per higher education student," the average state general~~  
5         ~~fund appropriation for each student enrolled in an institution of higher education~~  
6         ~~under the control of the Board of Regents for the previous fiscal year as determined~~  
7         ~~by the Bureau of Finance and Management;~~

8     ~~— (2) "Full-time equivalent," at the postsecondary technical institutes equals thirty credit~~  
9         ~~hours of instruction per year, and at the institutions under the control of the Board of~~  
10        ~~Regents equals thirty credit hours of instruction per year for undergraduates, twenty-~~  
11        ~~four credit hours of instruction per year for students seeking master's and doctoral~~  
12        ~~degrees, thirty credit hours of instruction per year for students in law school, and~~  
13        ~~thirty-eight credit hours of instruction per year for students in medical school;~~

14    ~~— (3) "Projected state general fund increase," the estimated percentage change in state~~  
15        ~~general fund revenue, as submitted by the Governor pursuant to § 4-7-10 or as~~  
16        ~~adopted by the standing committees on appropriations;~~

17    ~~— (4) "Public postsecondary education institutions," the postsecondary technical institutes~~  
18        ~~under the control of the Board of Education and the institutions of higher education~~  
19        ~~under the control of the Board of Regents; and~~

20    ~~— (5) "Public postsecondary education systems," the system of postsecondary technical~~  
21        ~~institutes under the control of the Board of Education and the system of institutions~~  
22        ~~of higher education under the control of the Board of Regents.~~

23    Section 3. That § 13-48A-2 be repealed.

24    ~~— 13-48A-2. The Legislature hereby finds, and declares to be the public policy of this state,~~  
25    ~~that the purpose of public postsecondary education is to provide the following:~~

26    ~~— (1) A workforce that meets the current and prospective needs of the state's economy;~~

27    ~~— (2) Affordable postsecondary educational opportunities for all state citizens;~~

28    ~~— (3) Access to postsecondary education programs that serve to increase the educational~~  
29        ~~attainment of the state's citizenry and thereby enable citizens to provide leadership~~  
30        ~~in all sectors of life in the state; and~~

31    ~~— (4) A foundation upon which the state can grow the development and innovation~~  
32        ~~capacities of the state's economy.~~

Section 4. That § 13-48A-5 be repealed.

~~13-48A-5. There is hereby created the Council on Higher Education Policy Goals, Performance, and Accountability. The council shall consist of the following members:~~

~~(1) The Governor or the Governor's designee;~~

~~(2) The secretary of the Department of Labor and Regulation;~~

~~(3) The commissioner of the Governor's Office of Economic Development;~~

~~(4) The commissioner of the Bureau of Finance and Management;~~

~~(5) Three members of the House of Representatives, appointed by the speaker of the House of Representatives. No more than two of the members may be from the same political party;~~

~~(6) Three members of the Senate, appointed by the president pro tempore of the Senate. No more than two of the members may be from the same political party;~~

~~(7) Two members of the Board of Regents;~~

~~(8) The executive director of the Board of Regents;~~

~~(9) The secretary of the Department of Education;~~

~~(10) One member of the State Board of Education who shall serve for one year and be appointed by the secretary of the Department of Education;~~

~~(11) One local school board member from a school district where a postsecondary technical institute is located who shall serve for one year and be appointed by the secretary of the Department of Education;~~

~~(12) One superintendent from a school district where a postsecondary technical institute is located who shall serve for one year and be appointed by the secretary of the Department of Education;~~

~~(13) A president of an institution of higher education under the control of the Board of Regents who shall serve for one year and be determined by a rotating order based on the year of the establishment of the institution; and~~

~~(14) A president of a public postsecondary technical institute who shall serve for one year and be determined by a rotating order based on the year of the establishment of the postsecondary technical institute.~~

~~The Governor or the Governor's designee shall serve as the chair of the council. In 2013 and 2014, the council shall meet once each year to monitor the progress of the public postsecondary education systems and institutions toward the goals established in § 13-48A-3.~~

Section 5. That § 13-48A-6 be repealed.

~~13-48A-6. Beginning in 2015, and in every year immediately following a gubernatorial election thereafter, the Council on Higher Education Policy Goals, Performance, and Accountability shall meet to review, endorse, and recommend to the executive branch, the Legislature, and the respective postsecondary education governing boards the four-year goals for the public postsecondary education systems and institutions and the performance metrics by which the council will monitor the progress toward those goals. The initial goals established by the council shall take effect on July 1, 2015, and subsequent goals will take effect every four years thereafter. In intervening years, the council shall meet annually to monitor the progress toward the goals. When establishing goals and performance metrics, the council shall draw upon public input from any persons who may be concerned or knowledgeable in these areas. A majority of the members appointed to the council constitutes a quorum for the purposes of conducting business. Any action may be taken by a vote of the majority of the members present at a meeting. The duties of the council include only those stipulated in this chapter and do not impinge on the constitutional powers and duties of the Board of Regents or the legislative powers and duties of the Board of Education or include participation in the operation, management, or oversight of any postsecondary education institution in the state.~~

Section 6. That § 13-48A-8 be repealed.

~~13-48A-8. To achieve the public purpose and goals established for postsecondary education in the state pursuant to this chapter, the state funding for the higher education system may be calculated as follows:~~

~~(1) If the projected state general fund increase allows, the higher education system may receive funding through the normal budgeting process for performance funding. Any sum appropriated from the general fund for the purpose of performance funding shall be provided to the Board of Regents. The Board of Regents shall then determine the allocation of funds to the institutions it governs that reflect institutional performance and system strategic investments. For fiscal years 2014 and 2015, funds appropriated for performance funding shall be awarded to the higher education institutions based on improvements in the following areas:~~

~~(a) One-half of the performance funding shall be based on the number of new graduates with special emphasis on those graduates with degrees in science, technology, engineering, and mathematics or other critical need areas as determined by the Council on Higher Education Policy Goals, Performance, and Accountability established in § 13-48A-5; and~~

~~(b) One-half of the funding shall be based on the growth of expenditures for research;~~

~~For fiscal year 2016 and in subsequent fiscal years, the performance funding shall be awarded to the Board of Regents based on criteria established by the Council of Higher Education Policy Goals, Performance and Accountability; and~~

1     ~~(2) If the higher education system receives the performance funding in subdivision (1),~~  
2     ~~and the cost of the performance funding is less than the projected state general fund~~  
3     ~~increase, the higher education institutions may also receive, through the normal~~  
4     ~~budgeting process, a mission expansion increase calculated pursuant to this~~  
5     ~~subsection to reflect expanded student services and increases in enrollments and~~  
6     ~~credit hour completions. If the performance funding provided pursuant to subdivision~~  
7     ~~(1), and the amount calculated in this subdivision for a mission expansion increase~~  
8     ~~is greater than the projected state general fund increase, each higher education~~  
9     ~~institution shall receive a pro rata share of the total amount calculated. The mission~~  
10    ~~expansion increase shall be calculated as follows:~~

11    ~~(a) Each institution of higher education shall receive a payment equal to one-half~~  
12    ~~of the average state appropriation per higher education student for each full-~~  
13    ~~time equivalent enrollment in the previous fiscal year that exceeded the total~~  
14    ~~full-time equivalent enrollment in the year preceding the previous fiscal year;~~  
15    ~~and~~

16    ~~(b) Each institution of higher education shall also receive a payment equal to one-~~  
17    ~~half of the average state appropriation per higher education student for each~~  
18    ~~full-time equivalent of credit hour completions in the previous fiscal year that~~  
19    ~~exceeded the total full-time equivalent of credit hour completions in the year~~  
20    ~~preceding the previous fiscal year. The full-time equivalent of credit hour~~  
21    ~~completions for which an institution is entitled to a payment pursuant to this~~  
22    ~~section shall be calculated as follows:~~

23    ~~(i) For the previous fiscal year, at each degree level, divide the total~~  
24    ~~number of credit hours completed at that institution by the number of~~  
25    ~~credit hours required to be a full-time equivalent student;~~

26    ~~(ii) For the year prior to the previous fiscal year, at each degree level,~~  
27    ~~divide the total number of credit hours completed at that institution by~~  
28    ~~the number of credit hours required to be a full-time equivalent student;~~

29    ~~(iii) If the product of subsection (i) is greater than the product of subsection~~  
30    ~~(ii), calculate the difference between the two at each degree level; and~~

31    ~~(iv) Add together the results for each degree level;~~

32    ~~In addition to the mission expansion funding calculated pursuant to this subsection,~~  
33    ~~the Legislature may also provide additional funding to institutions of higher~~  
34    ~~education for the expansion of program mission; and~~

35    ~~(3) If the higher education system receives the performance funding in subdivision (1)~~  
36    ~~and the mission expansion increase in subdivision (2), and the cost of both of the~~  
37    ~~increases is less than the projected state general fund increase, the higher education~~  
38    ~~system may receive, through the normal budgeting process, an operating budget~~  
39    ~~inflationary increase equal to the annual percentage change in the consumer price~~  
40    ~~index for urban wage earners and clerical workers as computed by the Bureau of~~



Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less. For the purpose of this section, the operating budget does not include any portion of the budget that contains funding for salaries and benefits for any employees provided by the Legislature through the General Appropriations Act."

1136ota

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "eliminate the Council on Higher Education Policy Goals, Performance, and Accountability and to transfer its functions to the Legislative Planning Committee.".

On page 1, delete lines 2 and 3.

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1169 and returns the same with the recommendation that said bill be amended as follows:

1169ca

On page 1 of the printed bill, delete lines 9 to 14, inclusive.

On page 2, delete lines 1 to 3, inclusive.

On page 2, delete lines 8 to 13, inclusive.

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1191 which was tabled.

Respectfully submitted,  
Jacqueline Sly, Chair

# **MOTIONS AND RESOLUTIONS**

Rep. Johns moved that the House do concur in Senate amendments to HB 1058.

The question being on Rep. Johns' motion that the House do concur in Senate amendments to HB 1058.

And the roll being called:

Yeas 66, Nays 0, Excused 4, Absent 0

Yeas:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

Excused:

Kaiser; Killer; May; Russell

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

HCR 1008: A CONCURRENT RESOLUTION, Urging Congress to support and to ask the United States Secretary of State to approve the Keystone XL Pipeline project.

Rep. Haggar moved that HCR 1008 as found on page 280 of the House Journal be adopted.

The question being on Rep. Haggar's motion that HCR 1008 be adopted.

And the roll being called:

Yeas 56, Nays 10, Excused 4, Absent 0

Yeas:

Anderson; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Klumb; Langer; Latterell; Marty; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Sly; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:

2 Bartling; Bordeaux; Feickert; Gibson; Hawks; Kirschman; McCleerey; Ring; Schrempp; Soli

3 Excused:

4 Kaiser; Killer; May; Russell

5 So the motion having received an affirmative vote of a majority of the members-elect, the  
6 Speaker declared the motion carried and HCR 1008 was adopted.

7 HCR 1009: A CONCURRENT RESOLUTION, Expressing the right of South Dakotans  
8 to own and use firearms.

9 Rep. Stalzer moved that HCR 1009 as found on page 281 of the House Journal be adopted.

10 The question being on Rep. Stalzer's motion that HCR 1009 be adopted.

11 And the roll being called:

12 Yeas 62, Nays 4, Excused 4, Absent 0

13 Yeas:

14 Anderson; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;  
15 Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
16 Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kirschman;  
17 Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten  
18 (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum;  
19 Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Solum; Stalzer; Steinhauer; Stevens;  
20 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

21 Nays:

22 Bartling; Bordeaux; Hawley; Soli

23 Excused:

24 Kaiser; Killer; May; Russell

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 Speaker declared the motion carried and HCR 1009 was adopted.

HCR 1011 Introduced by: Representatives Qualm, Beal, Bolin, Brunner, Conzet, Deutsch, DiSanto, Duvall, Feickert, Haggar (Don), Harrison, Hunt, Jensen (Alex), Johns, Klumb, Langer, Marty, May, Mickelson, Munsterman, Novstrup (Al), Otten (Herman), Peterson (Kent), Rozum, Russell, Schoenfish, Solum, Stalzer, Tulson, Verchio, Willadsen, and Wollmann and Senators Cammack, Brown, Ewing, Fiegen, Greenfield (Brock), Haggar (Jenna), Jensen (Phil), Olson, Omdahl, Shorma, and Van Gerpen

A CONCURRENT RESOLUTION, Opposing the recent actions of the EPA and the President with regards to the Waters of the United States federal rule and applauding the South Dakota congressional delegates who opposed such actions.

WHEREAS, the Environmental Protection Agency has proposed a new federal rule often referred to as the Waters of the United States, or WOTUS, that would greatly expand the power and authority of the federal government under the Clean Water Act and would greatly expand the power and authority of the EPA to regulate ditches, creeks, ponds, and other non-navigable waters; and

WHEREAS, the American Farm Bureau Federation and its South Dakota affiliate oppose WOTUS as well as numerous other farmers and farm groups in our state and nation; and

WHEREAS, the congressional delegation of the State of South Dakota has aggressively stood against this new effort by the EPA to expand its authority over the land and streams of the state; and

WHEREAS, the House of Representatives of the United States on January 13, 2016, passed a resolution disapproving of WOTUS; and

WHEREAS, Representative Kristi Noem voted with the great majority of the House of Representatives to disapprove of WOTUS stating, "I believe this is the largest federal land grab that we've seen in my lifetime."; and

WHEREAS, regrettably our current President Barack Obama vetoed this reasonable and needed joint resolution of disapproval passed by both the House and Senate in accordance with the Congressional Review Act:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-First Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature opposes the actions of the EPA to expand its power over the waters of the United States, publicly denounces the presidential veto of the congressional resolution of disapproval, and applauds our congressional delegation consisting of Senators John Thune and Mike Rounds and Representative Kristi Noem for their efforts to stop this massive overreach of the federal government.

Was read the first time and the Speaker waived the committee referral.

1 Rep. Gosch moved that HB 1099 be referred from the Committee on State Affairs to the  
2 Committee on Local Government.

3 Which motion prevailed.

4 Rep. Gosch moved that SB 81 be referred from the Joint Committee on Appropriations to  
5 the Committee on Education.

6 Which motion prevailed.

7 Rep. Gosch moved that SB 82 be referred from the Joint Committee on Appropriations to  
8 the Committee on Education.

9 Which motion prevailed.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

11 Rep. Gosch moved that the reports of the Standing Committees on  
12 State Affairs on HB 1125 as found on page 300 of the House Journal; also  
13 State Affairs on HB 1138 as found on page 300 of the House Journal; also  
14 Commerce and Energy on HB 1091 as found on page 301 of the House Journal; also  
15 Judiciary on HB 1064 as found on page 301 of the House Journal; also  
16 Judiciary on HB 1183 as found on page 302 of the House Journal be adopted.  
17 Which motion prevailed.

18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 The following bills were read on Thursday, February 4, and today the Speaker assigned  
20 these bills to committee.

21 HB 1241 was referred to the Committee on State Affairs.

22 HB 1242 was referred to the Committee on Commerce and Energy.

23 HB 1243 was referred to the Committee on Judiciary.

1 HB 1244 was referred to the Committee on Judiciary.

2 HB 1245 was referred to the Committee on Commerce and Energy.

3 HB 1246 was referred to the Committee on Commerce and Energy.

4 HB 1247 was referred to the Committee on State Affairs.

5 HJR 1001 was referred to the Committee on State Affairs.

6 HJR 1002 was referred to the Committee on State Affairs.

7 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

8 The following bills were read on Friday, February 5, and today the Speaker assigned these  
9 bills to committee.

10 SB 3 was referred to the Committee on Agriculture and Natural Resources.

11 SB 7 was referred to the Committee on Transportation.

12 SB 59 was referred to the Committee on Taxation.

13 SB 74 was referred to the Committee on Local Government.

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 HB 1105: FOR AN ACT ENTITLED, An Act to give the court discretion to grant a  
16 continuance of a protection order in certain situations.

17 Was read the second time.

18 The question being "Shall HB 1105 pass?"

19 And the roll being called:

20 Yeas 56, Nays 0, Excused 14, Absent 0

1 Yeas:

2 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert;  
3 Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks; Hawley;  
4 Heinemann (Leslie); Holmes; Hunt; Johns; Kirschman; Klumb; Langer; Latterell; Marty;  
5 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Peterson (Kent); Qualm;  
6 Rasmussen; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Soli; Solum;  
7 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
8 Zikmund; Speaker Wink

9 Excused:

10 Anderson; Bordeaux; Cronin; Dryden; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer; May;  
11 Partridge; Ring; Romkema; Russell; Sly

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 SB 20: FOR AN ACT ENTITLED, An Act to revise certain provisions related to  
15 behavioral health.

16 Was read the second time.

17 The question being "Shall SB 20 pass as amended?"

18 And the roll being called:

19 Yeas 56, Nays 0, Excused 14, Absent 0

20 Yeas:

21 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert;  
22 Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks; Hawley;  
23 Heinemann (Leslie); Holmes; Hunt; Johns; Kirschman; Klumb; Langer; Latterell; Marty;  
24 McCleerey; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Peterson (Kent); Qualm;  
25 Rasmussen; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Soli; Solum;  
26 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
27 Zikmund; Speaker Wink

28 Excused:

29 Anderson; Bordeaux; Cronin; Dryden; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer; May;  
30 Partridge; Ring; Romkema; Russell; Sly

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.





1 On page 3, line 5, delete everything after "(7)" and insert "The contract for services or  
2 public improvement shall be awarded within thirty days and the contract for supplies shall be  
3 awarded withing forty-five days of the bid opening by".

4 On page 4, line 8, delete "forty-five " and insert "days that allowed by section 1 of this  
5 Act".

6 On page 4, line 14, delete "forty-five" and insert "days that allowed by section 1 of this  
7 Act".

8 Which motion prevailed.

9 The question being "Shall HB 1102 pass as amended?"

10 And the roll being called:

11 Yeas 55, Nays 0, Excused 15, Absent 0

12 Yeas:

13 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert;  
14 Gibson; Gosch; Greenfield (Lana); Haggard (Don); Haugaard; Hawks; Hawley; Heinemann  
15 (Leslie); Holmes; Hunt; Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey;  
16 Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Peterson (Kent); Qualm; Rasmussen;  
17 Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp; Soli; Solum; Stalzer;  
18 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
19 Speaker Wink

20 Excused:

21 Anderson; Bordeaux; Cronin; Dryden; Harrison; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer;  
22 May; Partridge; Ring; Romkema; Russell; Sly

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 Speaker declared the bill passed and the title was agreed to.

25 HB 1112: FOR AN ACT ENTITLED, An Act to establish certain procedures regarding a  
26 transgender policy for the purposes of participation in high school activities and to declare void  
27 any present transgender policy of the South Dakota High School Activities Association.

28 Was read the second time.

29 Rep. Gosch moved that HB 1112 be deferred to Tuesday, February 9, the 18<sup>th</sup> legislative  
30 day.

31 Which motion prevailed.

1 HB 1107: FOR AN ACT ENTITLED, An Act to ensure government nondiscrimination in  
2 matters of religious beliefs and moral convictions.

3 Was read the second time.

4 1107rb

5 Rep. Craig moved that HB 1107 be amended as follows:

6 On page 1, line 11, of the House State Affairs Committee engrossed bill, after "injury,"  
7 delete "or any state employee" and insert "or state employees and the employees of any school  
8 board, county, municipality, or other entity included under the definition of state, when".

9 Which motion prevailed.

10 Rep. Gosch moved the previous question.

11 Which motion prevailed.

12 The question being "Shall HB 1107 pass as amended?"

13 And the roll being called:

14 Yeas 46, Nays 10, Excused 14, Absent 0

15 Yeas:

16 Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert; Gosch;  
17 Greenfield (Lana); Haggar (Don); Harrison; Haugaard; Heinemann (Leslie); Holmes; Hunt;  
18 Klumb; Langer; Latterell; Marty; Mickelson; Munsterman; Novstrup (Al); Otten (Herman);  
19 Peterson (Kent); Qualm; Rasmussen; Rounds; Schaefer; Schoenbeck; Schoenfish; Solum;  
20 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
21 Zikmund; Speaker Wink

22 Nays:

23 Bartling; Gibson; Hawks; Hawley; Johns; Kirschman; McCleerey; Rozum; Schrempp; Soli

24 Excused:

25 Anderson; Bordeaux; Cronin; Dryden; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer; May;  
26 Partridge; Ring; Romkema; Russell; Sly

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 Speaker declared the bill passed and the title was agreed to.

1 HB 1051: FOR AN ACT ENTITLED, An Act to prohibit the use of certain automated sales  
2 suppression devices and to provide penalties for their use.

3 Was read the second time.

4 Rep. Gosch moved that HB 1051 be deferred to Tuesday, February 9, the 18<sup>th</sup> legislative  
5 day.

6 Which motion prevailed.

7 HB 1150: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the  
8 property tax exemption provided to local industrial development corporations.

9 Was read the second time.

10 The question being "Shall HB 1150 pass?"

11 And the roll being called:

12 Yeas 51, Nays 4, Excused 15, Absent 0

13 Yeas:

14 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Gibson;  
15 Gosch; Greenfield (Lana); Haggard (Don); Harrison; Hawks; Heinemann (Leslie); Holmes; Hunt;  
16 Johns; Kirschman; Klumb; Langer; Latterell; Marty; Mickelson; Munsterman; Novstrup (Al);  
17 Otten (Herman); Peterson (Kent); Qualm; Rasmussen; Rounds; Rozum; Schaefer; Schoenbeck;  
18 Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra;  
19 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

20 Nays:

21 Feickert; Haugaard; McCleerey; Verchio

22 Excused:

23 Anderson; Bordeaux; Cronin; Dryden; Hawley; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer;  
24 May; Partridge; Ring; Romkema; Russell; Sly

25 So the bill having received an affirmative vote of a majority of the members-elect, the  
26 Speaker declared the bill passed and the title was agreed to.

27 HB 1120: FOR AN ACT ENTITLED, An Act to revise the definition of agricultural  
28 purposes used for the administration of the sales tax.

29 Was read the second time.

1 The question being "Shall HB 1120 pass?"

2 And the roll being called:

3 Yeas 53, Nays 2, Excused 15, Absent 0

4 Yeas:

5 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert;  
6 Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Heinemann (Leslie);  
7 Holmes; Hunt; Johns; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Munsterman;  
8 Novstrup (Al); Otten (Herman); Peterson (Kent); Qualm; Rasmussen; Rounds; Rozum;  
9 Schaefer; Schoenbeck; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens;  
10 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

11 Nays:

12 Hawks; Mickelson

13 Excused:

14 Anderson; Bordeaux; Cronin; Dryden; Hawley; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer;  
15 May; Partridge; Ring; Romkema; Russell; Sly

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1151: FOR AN ACT ENTITLED, An Act to require legislative approval of certain  
19 land acquisitions by the Department of Game, Fish and Parks.

20 Was read the second time.

21 Rep. Gosch moved that HB 1151 be deferred to Tuesday, February 16, the 21<sup>st</sup> legislative  
22 day.

23 Which motion prevailed.

24 HB 1083: FOR AN ACT ENTITLED, An Act to change the taxation method used in the  
25 sale of certain off-road vehicles and require that the sale of these vehicles be by licensed vehicle  
26 dealers.

27 Was read the second time.

28 The question being "Shall HB 1083 pass as amended?"

29 And the roll being called:

1 Yeas 53, Nays 3, Excused 14, Absent 0

2 Yeas:

3 Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto; Duvall; Feickert;  
4 Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Hawks; Hawley; Heinemann  
5 (Leslie); Holmes; Hunt; Johns; Kirschman; Klumb; Langer; Marty; McCleerey; Mickelson;  
6 Munsterman; Novstrup (Al); Otten (Herman); Peterson (Kent); Qualm; Rasmussen; Rounds;  
7 Rozum; Schoenbeck; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson;  
8 Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Haugaard; Latterell; Schaefer

11 Excused:

12 Anderson; Bordeaux; Cronin; Dryden; Hunhoff (Jean); Jensen (Alex); Kaiser; Killer; May;  
13 Partridge; Ring; Romkema; Russell; Sly

14 So the bill having received an affirmative vote of a two-thirds majority of the members-  
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 HB 1129: FOR AN ACT ENTITLED, An Act to allow a concealed pistol in the capitol and  
17 any county courthouse with an enhanced concealed pistol permit.

18 Was read the second time.

19 The question being "Shall HB 1129 pass?"

20 And the roll being called:

21 Yeas 45, Nays 17, Excused 8, Absent 0

22 Yeas:

23 Beal; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Gosch; Greenfield (Lana);  
24 Haggar (Don); Harrison; Haugaard; Heinemann (Leslie); Hunt; Jensen (Alex); Johns; Klumb;  
25 Langer; Latterell; Marty; Mickelson; Munsterman; Novstrup (Al); Otten (Herman); Partridge;  
26 Peterson (Kent); Qualm; Rasmussen; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish;  
27 Stalzer; Steinhauer; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
28 Speaker Wink

29 Nays:

30 Anderson; Bartling; Bolin; Bordeaux; Duvall; Feickert; Gibson; Hawks; Hawley; Holmes;  
31 Kirschman; McCleerey; Ring; Schrempp; Soli; Solum; Stevens

32 Excused:

33 Dryden; Hunhoff (Jean); Kaiser; Killer; May; Romkema; Russell; Sly

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

## SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

Rep. Gosch moved that the balance of the calendar including SB 10, 11, 17, 18, 68, 27, 28, 2, and 12 be deferred to Tuesday, February 9, the 18<sup>th</sup> legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1018, 1019, 1020, 1021, 1022, 1030, 1032, 1038, 1040, 1041, and 1062 were delivered to his Excellency, the Governor, for his approval at 9:00 a.m., February 8, 2016.

Respectfully submitted,  
Dean Wink, Chair

## SIGNING OF BILLS

The Speaker publicly read the title to

SB 29: FOR AN ACT ENTITLED, An Act to update the nurse practice act and to adopt a new Interstate Nurse Licensure Compact.

SB 35: FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier regulations.

And signed the same in the presence of the House.

Rep. Anderson moved that the House do now adjourn, which motion prevailed and at 4:43 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk